

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STACEY ODGERS

Plaintiff,

v.

**USAA CASUALTY INSURANCE
COMPANY**

Defendant.

CIVIL ACTION NO. 22-4521

ORDER

AND NOW, this 30th day of August 2023, upon consideration of Defendant's Motion to Dismiss [Doc. No. 4], and the response thereto, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion to Dismiss [Doc. No. 4] is **GRANTED** as follows:

1. Counts I and V are **DISMISSED** with prejudice.
2. Count III is **DISMISSED** with prejudice with regard to Plaintiff's fiduciary duty claim and demand for attorney's fees. The breach of contract claim asserted in Count III is not dismissed.
3. Count II and Plaintiff's demand for attorney's fees in Count IV are **DISMISSED** without prejudice. Plaintiff may amend the Complaint in accordance with the accompanying Memorandum Opinion on or before **September 27, 2023**.

It is **FURTHER ORDERED** that if Plaintiff does not file an amended complaint, Defendant shall respond to the Complaint [Doc. No. 1-3] on or before **October 11, 2023**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.